

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on March 13, 2006, the Examiner objected to claim 12; rejected claim 16 under 35 U.S.C. 2<sup>nd</sup> Paragraph as being indefinite; and objected claims 1-10, 12-16, 18-24 and 27-29 under 35 U.S.C. 103(a) as being unpatentable over U.S. published patent application no. 2002/0082919 (“Landau”). Accordingly, Applicant respectfully provides the following:

Claim Objections

Applicant has amended claim 12 to recite “wherein the reference received.” Accordingly, Applicant requests withdrawal of the objection.

Claim Objections under 35 U.S.C. 112

In the pending Office Action claim that 16 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards the invention. Applicant has amended claim 16 as indicated in the amendments above to distinctly indicate which entity received payments.

Rejections under 35 U.S.C. 103(a)

The Examiner rejected claims 1-10, 12-16, 18-24 and 27-29 under 35 U.S.C. 103(a) as being unpatentable over Landau and rejected claims 11 and 25 under 35 U.S.C. 103(a) as being unpatentable over Landau in view of Hammons. Applicant respectfully submits that the claim set as provided herein is not made obvious by the cited reference.

The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or**

**references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest the limitations claimed in the present invention. In particular, independent claims 1 and 16 as provided herein include limitations relating to methods comprising the steps of using a computer to receive a reference for a specific potential customer from a sales representative, the reference being initiated by said sales representative who is known by said potential customer and received by a seller, wherein said reference includes a message that is personalized specifically to the potential customer from said sales representative; preparing promotional materials for distribution to said potential customer, wherein said promotional materials include said personalized message and means for identifying said sales representative; distributing said promotional materials directly to said potential customer from a distributor. These limitations are supported by the disclosure as originally filed. And, none of the references cited by the Examiner, alone or in combination, teaches or suggests such limitations.

Landau teaches a method in which a user arrives at a webpage not a reference initiated by sales representatives. In particular, Landau teaches that a user provides information to a referring webpage, wherein a user completely unknown to a referring webpage logs on and submits or provides information to a database including email address. The claims of the present invention, in contra distinction, indicate that the reference which has been initiated by sales representatives is made with an individual who is known by the sales representatives. Accordingly, the information acquired according to the claims of the present invention, are

initiated by a sales representatives and are product of a relationship generated by the sales representatives with potential customer.

Claims of the present invention teach a method wherein the reference from a sales representative received by the seller includes a personalized message specifically for the potential customer from a sales representative. Landau fails to teach a method wherein a customer known to a sales representative has a personalized message drafted to the customer from the sales representative. Rather, Landau teaches a method where the distributor or destination webpage generates a message. Accordingly, Landau does not teach a method wherein the sales representative drafts a personalized message to the potential customer, but instead teaches a method wherein the destination webpage drafts a personalized message based on the database to be forwarded to the customer.

The claims of the present invention further include the limitations of preparing promotional materials for distribution to a customer, wherein the promotional materials include said personalized message. Because Landau fails to teach a method wherein a sales representative produces a personalized message to a company using promotional materials, Landau additionally fails to teach a method in which the sales representative's personalized message is contained in promotional materials.

Landau fails to teach a method of distributing said promotional materials directly to said potential customer from a distributor. Rather, Landau teaches a method wherein the referring webpage sends a newsletter containing hyperlinks to destination web pages. Accordingly, Landau teaches a method in which the promotional materials are distributed by the sales representative or by the affiliate and not directly from the destination web pages. Accordingly, Landau fails to teach the limitations of the present invention.

Accordingly, Applicant respectfully submits that for at least the reasons provided herein, the references cited by the Examiner, alone or in combination, do not teach or suggest all the claim limitations of the independent claims. And, since the references cited by the Examiner do not teach or suggest each and every limitation of the independent claims, Applicant respectfully submits that the prior art references do not make obvious the independent claims as provided herein.

And, since the prior art references do not make obvious the independent claims, Applicant respectfully submits that the prior art references cited by the Examiner do not make obvious the corresponding dependent claims, which depend from independent claims 1 or 16.

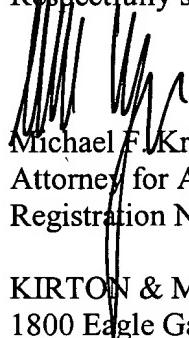
Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 13 day of June, 2006.

Respectfully submitted,

  
Michael F. Krieger  
Attorney for Applicant  
Registration No. 35,232

KIRTON & McCONKIE  
1800 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 323-5986  
Facsimile: (801) 321-4893

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